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Applicant: Strano, et al.
Appl. No.: 10/566,073
Filing Date: January 26, 2006
Title: SELECTIVE FUNCTIONALIZATION OF CARBON NANOTUBES
Attorney Docket: 1321-P071WOUS
Pub. No.: US 2008/0063587 A1
Pub. Date: March 13, 2008

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on October 10, 2008, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains a material error on the front page of the publication wherein the assignee data is improperly listed as "Board of Trustees of the University of Illinois" when the correct assignee is "William Marsh Rice University".

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed **within two months** from the date of the patent application publication. **This period is not extendable.**" A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.¹

The request for corrected publication, received on October 10, 2008, was not timely filed under 37 CFR 1.221(b).

Even if the request had been timely filed the request would have been dismissed as the incorrect assignee data is not a material mistake since it does not affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent

¹Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. See MPEP 1130. Furthermore, it is noted that the assignees listed on the ADS filed with the application lists both the "Board of Trustees of the University of Illinois" and "William Marsh Rice University".

On December 3, 2007, a Filing Receipt was mailed by the Office, which improperly listed the assignment information. To avoid this type of problem in the future, applicant's representative should make request a corrected filing receipt prior to publication of the application.

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221 (a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18 (d) and the processing fee set forth in § 1.17 (i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18 (d) will be refunded. The processing fee will be retained.

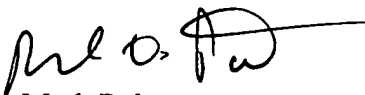
A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

<http://www.uspto.gov/ebc/portal/tutorials.htm>

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication" and questions or request for reconsideration of the decision, should be addressed as follows:

By mail to: Mail Stop PGPUB
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Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.



Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy